

REMARKS

The Office Action dated December 31, 2003 has been received and carefully noted. The above amendments and the following remarks are submitted as a full and complete response thereto.

Claim 3 has been amended to correct a minor antecedent basis error noted therein. No new matter has been added. Claims 1-35 are respectfully submitted for consideration.

Claim 3 was apparently rejected under 35 USC § 112, second paragraph, as being indefinite. Claim 3 has been amended to clarify proper antecedent basis for the network element recited therein.

Claims 1-3, 7-9, 12, 14-19, 21-28 and 33-35 were rejected under 35 U.S.C. §102(e) as being anticipated by Haumont (United States Patent No. 6,654,589). Claims 10, 11, 13, 20 and 29-32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Haumont as applied to the other claims, and further in view of Magnusson (United States Patent No. 6,122,499). Finally, Claims 4-6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Haumont in view of Provino (United States Patent No. 6,557,037).

The Office Action therefore takes the position that Haumont is available as prior art under 35 USC § 102(e). However, as will be discussed below, applicants submit that Haumont is not in fact available as prior art under 35 USC § 102(e), and is therefore not a proper basis upon which to make any rejections of the presently pending claims. Since

all of the outstanding prior art rejections are based upon Haumont, it is respectfully requested that these rejections be withdrawn.

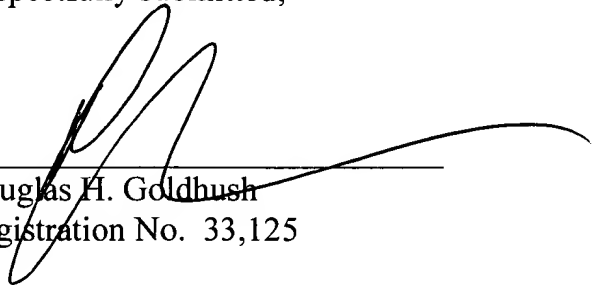
Haumont was filed as an International Patent Application on September 25, 1998. Since this is before November 29, 2000, Haumont is not effective as prior art as of the filing date of the International Application. Haumont should, therefore, be effective as prior art as of the "Section 371" date, which is March 24, 2000. The subject application was filed in the United States on July 10, 2001, as a continuation of PCT Application No. PCT/EP99/00180, which was filed on January 14, 1999.

Applicants note that page 2 of the Official Action refers to the "transitional" aspect of 35 USC § 102(e). As plainly stated in the Official Action, since Haumont was filed as an International Application before November 29, 2000, the prior art date of Haumont is determined under the "old" 35 USC § 102(e). Therefore, since Haumont's "effective date" should be March 24, 2000, and since the subject application was filed as a continuation of PCT Application No. PCT/EP99/00180 filed on January 14, 1999, Haumont is not available as prior art against this application, and all of the prior art rejections should therefore be withdrawn. It is therefore respectfully requested that claims 1-35 be found allowable, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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